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OFFICE OF PETITIONS

In re Application of	:	
Tony P. Chiang, et al.	:	
Application No. 09/994,279	:	ON PETITION
Filed: November 26, 2001	:	
Attorney Docket No. PA1688US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 30, 2004, to revive the above-identified application.

The petition is **GRANTED**.

It is noted that the reply submitted with the instant petition is titled, "Reply to Final Office Action." However, the application was not finally rejected but is under non-final rejection. In view thereof, the reply will be treated as a reply to a non-final office action.

Additionally, there is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Brian Ogonowsky appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. However, if Mr. Ogonowsky desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

Moreover, it is not apparent whether the person signing the statement of unintentional delay, namely Mr. Ogonowsky, was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in replying to the non-final office action under 37 CFR 1.137(b) was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The application file is being forwarded to Technology Center 2800.

A handwritten signature in cursive script, reading "Marianne E. Jenkins".

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Brian Ogonowsky
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